

Abstract

Nullity and inefficacy of legal acts in bankruptcy proceedings

This thesis deals with description of nullity and inefficacy institutes of legal acts, especially with focus on bankruptcy proceedings. Such legal acts shorten the debtor's assets and the institutes of nullity and inefficacy allow to return the lost property back to the debtor's assets.

This thesis is divided into six chapters which are subdivided into subchapters whilst the most important part is formed by chapters 4. and 5.

The first chapter deals with the basic definition of bankruptcy proceedings, it also describes the basic principles and principles of bankruptcy proceedings which are also important for understanding the institutes of nullity and inefficacy of legal acts. There is approached the issue of the actionability of legal acts in bankruptcy proceedings in general view and in the whole chapter's conclusion I have highlighted the criminal law overlap of this topic with focus on the offense of favoring the creditor.

The second chapter provides a historical excursion, not only in the context of nullity and inefficacy legal acts but also in the context of bankruptcy proceedings development as a whole and its approximation to the current legal regulation.

The third chapter deals with nullity and inefficacy under civil law, or within the framework of Act No. 89/2012 Coll., The Civil Code. It is divided into two sub-chapters, the first deals with the nullity of legal proceedings and the second dealing with the inefficacy of legal proceedings. In particular there are distinguished different features of civil and bankruptcy law.

In the fourth chapter we are getting to the modification of institutes of nullity and inefficacy of legal acts in bankruptcy law. Furthermore the second subchapter is divided into three parts, which analyze the individual facts of inefficacy legal acts within the bankruptcy law. One of them is applied then to a model example of the contesting dispute and thus it is inculcated in the elaborated indictment presented in the appendix of this diploma thesis.

The fifth chapter is a theoretical outline of contesting action and describes the procedural aspects of this procedural act. It is possible to find there an active and a passive right to sue, the jurisdiction of the court and the procedural consequences of bankruptcy proceedings initiation on the ongoing dispute of ineffective legal action which is already in the progress. Generally it can be summed up that this represents a guideline on how to claim nullity and inefficacy at court within bankruptcy proceedings.

The last chapter is a general description of the treatment of these institutes abroad with the focus on the Slovak Republic. The chapter is presented in a sort of comparative way and so it is aimed at comparison of legal regulations of the Slovak and the Czech Republic. In particular the inspiration for this chapter was a common history and therefore the knowledge that the underlying sources for today's different legal regulations were very similar if not the same.

Keywords: nullity, inefficacy, [contesting action](#)